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GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2009 REGULAR SESSION

SENATE BILL NO. 47

MONDAY, FEBRUARY 23, 2009

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to the transportation of agricultural crop products and livestock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔ Section 1. KRS 189.222 is amended to read as follows:

2 (1) Except as provided in subsection (2) of this section, the secretary of the
3 Transportation Cabinet in respect to highways which are a part of the state-
4 maintained system, by official order, may increase on designated highways or
5 portions thereof, the maximum height, length, and gross weight prescribed in KRS
6 189.221, if in the opinion of the secretary, the increased height, length, and weight
7 designated by him are justified by the strength, safety, and durability of the
8 designated highways, and the highways do not appear susceptible to unreasonable
9 and unusual damage by reason of the increases and the secretary may establish
10 reasonable classification of state maintained roads and fix a different maximum for
11 each classification. Any increase in the height, length, or width of any motor truck
12 or tractor semitrailer combinations or any other vehicle combinations including any
13 part of the body or load or designation of highways to be used by the vehicles, shall
14 not, in any way, exceed the federal law or regulations thereunder or jeopardize the
15 allotment or qualification for federal aid funds of the Commonwealth of Kentucky
16 or exceed the following dimensions and weights:

- 17 (a) Height, thirteen and one-half (13-1/2) feet;
- 18 (b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet;
19 motor trucks, forty-five (45) feet, not to exceed two (2) trailers per truck
20 tractor;
- 21 (c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
22 forty-two (42) inches apart to be considered as a single axle; thirty-four
23 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
24 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches
25 apart; forty-eight thousand (48,000) pounds on three (3) axles which are

1 spaced forty-two (42) inches or more apart and less than one hundred twenty
2 (120) inches apart. No single axle in any arrangement shall exceed twenty
3 thousand (20,000) pounds or seven hundred (700) pounds per inch of the
4 aggregate width of all the tires on a single axle, whichever is less. The total
5 gross weight of the vehicle and load shall not exceed eighty thousand (80,000)
6 pounds;

7 (d) Except on the interstate highway system, a tolerance of not more than five
8 percent (5%) per axle load shall be permitted before a carrier is deemed to
9 have violated paragraph (c) of this subsection. The gross weight shall not
10 exceed eighty thousand (80,000) pounds;

11 (e) Except as provided for in paragraph (f) of this subsection, truck tractor,
12 semitrailer and trailer combinations, and other vehicle combinations may be
13 operated only on the interstate system and on those parts of the federal aid
14 highway system and the state-maintained system which have been designated
15 by the secretary of the Transportation Cabinet by official order as safely
16 allowing same;

17 (f) A vehicle or combination of vehicles that is one hundred two (102) inches
18 wide or less and has a gross weight of not more than eighty thousand (80,000)
19 pounds may be driven on any state highway, for a distance of up to fifteen
20 (15) miles from an interstate or parkway exit.

21 (2) In addition to the provisions of KRS 189.2226, vehicles with a gross weight of up to
22 eighty thousand (80,000) pounds may travel on any state highway in the
23 Commonwealth without obtaining a special permit, if the weight does not exceed
24 any limits mandated by federal law or regulation, any posted bridge weight limit, or
25 the weight limits for the size and type of vehicle established under paragraph (c) of
26 subsection (1) of this section, and if the vehicle is transporting any of the following:

27 (a) Meats or agricultural crop products originating from a farm to first market;

- 1 (b) Livestock or poultry from their point of origin to first market;
- 2 (c) Primary forest products, including, but not limited to, sawdust, wood chips,
- 3 bark, slabs, or logs originating from their points of origin to first market; or
- 4 (d) Supplies, materials, or equipment necessary to carry out a farming operation
- 5 engaged in the production of agricultural crop products, meats, livestock, or
- 6 poultry.

7 **(3) Vehicles registered under the provisions of KRS 186.050(4)(b) that are engaged**
 8 **exclusively in the transportation of items listed in paragraphs (a), (b), and (c) of**
 9 **Subsection (2) of this section may exceed the gross weight provisions set forth in**
 10 **Subsection (1)(c) of this section by a weight tolerance of ten percent (10%),**
 11 **except on the interstate highway system.**

12 **(4)** Vehicles exclusively engaged in the transportation of motor vehicles,
 13 unmanufactured tobacco, or unmanufactured tobacco products may, on those
 14 highways which are a part of the state-maintained system and which have been
 15 designated by the secretary of the Transportation Cabinet by official order as safely
 16 allowing same, attain the maximum lengths as provided by subsection (1)(b) of this
 17 section, excluding the usual and ordinary bumper overhang of the transported
 18 vehicles.

19 **(5) [(4)]** Vehicles engaged exclusively in the transportation of farm or primary forestry
 20 products and registered under KRS 186.050(4) or 186.050(9) and vehicles engaged
 21 exclusively in the transportation of ready-mixed concrete shall be excluded from the
 22 axle weight provisions, except on interstate highways, and subject only to total
 23 gross weight provisions.

24 **(6) [(5)]** Vehicles registered pursuant to KRS 186.050(3)(b) and engaged in the
 25 transportation of primary forest products, including, but not limited to, vehicles
 26 transporting sawdust, wood chips, bark, slabs, or logs, may exceed the axle, or gross
 27 weight provisions as set forth in accordance with subsection (1)(c) of this section by

1 a weight tolerance of ten percent (10%), except on the interstate highway system.

2 ~~(7)(6)~~ Vehicles designed for and engaged exclusively in the collection and hauling of
 3 refuse and registered under KRS 186.050(3)(b) shall be excluded from the axle
 4 weight provisions, except when in operation on the federal interstate system, and
 5 subject only to total gross weight provisions.

6 ~~(8)(7)~~ The secretary of the Transportation Cabinet may by order increase the weight
 7 and height limits prescribed by this chapter for motor vehicles while being operated
 8 exclusively on roads or highways being constructed, reconstructed, or repaired
 9 under contract with the Transportation Cabinet by the contractor or subcontractor,
 10 agent, or employee thereof.

11 ~~(9)(8)~~ **Except as otherwise provided in**~~[Notwithstanding any other provisions of]~~
 12 this chapter, the secretary of the Transportation Cabinet shall not authorize the
 13 operation of any vehicle or combination of vehicles, upon any part of the federal aid
 14 highway system or state parkway system, which exceeds the following dimensions
 15 and weights:

- 16 (a) Width, one hundred two (102) inches, including any part of the body or load;
- 17 (b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
 18 forty-two (42) inches apart to be considered as a single axle; thirty-four
 19 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
 20 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches
 21 apart; forty-eight thousand (48,000) pounds on three (3) axles which are
 22 spaced forty-two (42) inches or more apart and less than one hundred twenty
 23 (120) inches apart. The total gross weight of the vehicle and load shall not
 24 exceed eighty thousand (80,000) pounds. If any federal law or laws or
 25 regulations thereunder are hereafter enacted authorizing weights and
 26 dimensions in excess of those set out in paragraphs (a) and (b) of this
 27 subsection, the secretary of the Transportation Cabinet may by official order

1 increase the maximum weights and dimensions but the increased weights and
 2 dimensions shall not exceed those set out in this section.

3 ~~(10)~~~~(9)~~ Except on the interstate highway system, vehicles engaged exclusively in the
 4 transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate
 5 muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, and
 6 agricultural products shall be permitted a tolerance of ten percent (10%) of the axle
 7 weight provisions before a carrier is deemed to have violated paragraph (1)(c) of
 8 this section.

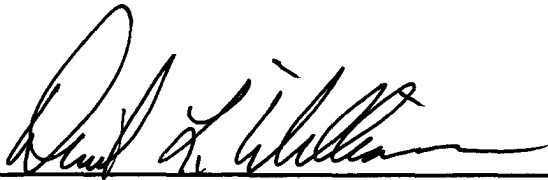
9 ~~(11)~~~~(10)~~ The Transportation Cabinet may promulgate administrative regulations
 10 pursuant to KRS Chapter 13A, relating to the implementation of 23 C.F.R. Part 658
 11 as it relates to state-maintained or locally-maintained roads. The enforcement of the
 12 provisions of KRS 189.221 and this section on locally-maintained roads shall not be
 13 the responsibility of the law enforcement officers of the Transportation Cabinet,
 14 unless the head of the corresponding local government unit has requested, in
 15 writing, enforcement assistance from the Transportation Cabinet.

16 ➔Section 2. KRS 189.221 is amended to read as follows:

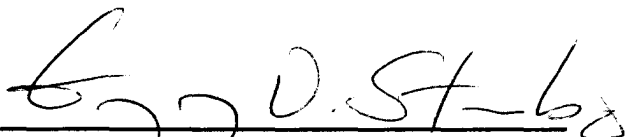
17 A person shall not operate on any highway, except those highways designated by the
 18 secretary of transportation under the provisions of KRS 189.222, or those locally
 19 maintained highways under the provisions of KRS 189.222~~(11)~~~~(10)~~ or KRS 189.230(4),
 20 any of the following trucks, trailers, manufactured homes, or vehicles:

- 21 (1) Any motor truck, semitrailer, trailer, manufactured home, or vehicle which exceeds
 22 eleven and one-half (11-1/2) feet in height or ninety-six (96) inches in width,
 23 including any part of the body or load;
- 24 (2) Any motor truck, except a semitrailer truck, which exceeds twenty-six and one half
 25 (26-1/2) feet in length, including any part of the body or load;
- 26 (3) Any semitrailer truck which exceeds thirty (30) feet in length, including any part of
 27 the body or load;

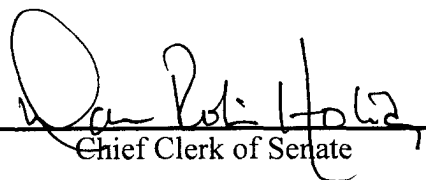
- 1 (4) Any truck, semitrailer truck, or truck and trailer unit which exceeds 36,000 pounds
2 gross weight, including the load;
- 3 (5) Any truck, semitrailer truck, or tractor-trailer unit which exceeds a gross weight
4 equal to the sum of six hundred (600) pounds per inch of the combined width of the
5 tires upon which the vehicle may be propelled, but no more than thirty-six thousand
6 (36,000) pounds.
- 7 (6) Notwithstanding the provisions of this section, any truck hauling building materials
8 under KRS 189.2226, or to a road construction project on a highway rated less than
9 the maximum weight provided above, may haul up to eighty thousand (80,000)
10 pounds gross weight, including the load, without a permit.



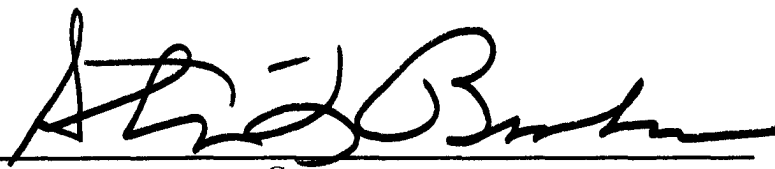
President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 